
**The School-Justice Partnership Model:
An Essential Element in the Algorithm of Recidivist
Reduction**

By Judge Steven C. Teske

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The School Resource Officer Division of the Clayton County Police Department was created in 1995, well before Columbine. The year before, the court received only 49 complaints from SRO's. By 2003, the court received nearly 1,400 complaints, and each year the numbers increased. This represented nearly a thousand percent increase in school-based referrals. Of those 1,400, ninety-two percent (92%) were misdemeanor offenses—only 8% involved felonies. Most of those misdemeanors included disrupting public school, disorderly conduct, and school fights.

We engaged police on campus to protect our kids and faculty from weapons and drug dealing and to save lives should an active shooter walk onto the campus, but instead we re-directed their focus to the kids who make us mad, not those that scare us.

This created numerous problems for us in Clayton County, and I assure you for many other school districts throughout this nation.

The inappropriate use of school police in the breaking of school rules and minor delinquent acts did not improve school safety, but instead exacerbated it in two ways: First, It took them away from the campus to transport students to our intake division and to file complaints. This was a recipe for disaster should an active shooter, or an act of violence occur, and the officer was away booking a kid for a disorderly conduct, or some other minor offense. There is something not right about several students and faculty getting killed and maimed while the SRO is off campus

handling a minor incident. The other problem is that over-arresting compromised the collection of “intel”, the best tool law enforcement has in its crime prevention and fighting toolbox. Captain Marc Richards, former head of our SRO Division and now a member of our school-justice partnership technical assistance team, says that “Schools are a microcosm of the community, what happens over the weekend students will bring to school on Monday.” Richards says that students are the best resource for information, and they are an officer’s best weapon to prevent weapons and drugs on campus, and in helping detectives solve crimes in the community, including murder. But Richards also points out that students will not open up if the school police do not establish a positive relationship with the student body. In fact, our SRO division received honors from the chief of police in 2009 upon nomination of the Detective Division stating that the “SRO Division has solved more crimes than any other division of the police department.” The chief cited the Clayton County School Partnership as a reason for this statistic because it allowed for the development of a new approach to school policing—the “Positive Student Engagement Model.”

The aggressive use of police on campus also destroys a positive school climate, an essential element in improving school attendance and graduation rates. The traditional notion that school climate is controlled by student behavior, and that the use of suspension, expulsion, and arrests to remove the disruptive student will improve school climate, is not grounded in research. On the contrary, a study co-conducted by the Georgia Department of Education and the Center for School Safety, School Climate and Classroom Management at Georgia State University found that outside factors (i.e., location, student demographics) did not have a more significant bearing on the climate inside the school building than the personal interactions of the teachers and

leaders in the school –meaning that many elements of school climate are within the control of the school. When students perceive poor relationships between them and the adults on campus, they are less connected to the school and their interest in education is weakened. When kids come to school and witness other students arrested for minor incidents, their psyche is negatively impacted, and this takes a toll on overall school climate. This is extremely important because a one percent (1%) improvement in school climate was found to increase student average attendance by 1.6 percent. This means that to improve school climate by 10% will result in a sixteen percent (16%) increase in student attendance. When this occurs, graduation rates increase.

Who would ever think that keeping kids in school would improve graduation rates?

Think about this study conducted in Georgia tracking students in the ninth grade to graduation. Students who missed 15 or more days of school had a 30.73 percent graduation rate. What was disappointing, however, is that many of those absences were excused by suspension or arrests on campus. In other words, we allowed zero tolerance policies, misguided beliefs about school climate, and aggressive school policing drive down our graduation rates.

If this isn't enough, consider Gary Sweeten's study of the effects of arrest on graduation rates concluding that a student arrested on campus is twice as likely not to graduate, and four times likely if they appear in court.

We were so shortsighted in those days that we failed to understand the domino effect this would have on public safety in the community.

How goes graduation rates, so goes juvenile crime rates. It follows that the more kids we keep in school, and out of the courts, we will have greater numbers graduating high school with positive and healthy futures.

We also learned that how goes kids, so goes adults. If we wanted to improve the quality of life in our county, and this required enhancing public safety, we had to invest in our kids who one day grow to become adults.

I have to stop here and take a moment to inform you that there is an algorithm for recidivist reduction for juvenile offenders that over time will reduce the adult crime rate index, and creating a school-justice partnership, like the one for which you will undergo intensive inculcation and receive certification, plays a prominent role in this algorithm.

We already know from years of research that we can reduce the risk of re-offending by 1) identifying high risk offenders; 2) using risk assessment tools; 3) that will divert lower risk offenders from the juvenile justice system to restorative justice programs; 4) and match high risk offenders to evidence-based programs using needs assessment tools; 5) and accomplishing this through a collaborative process.

The diversion component of this algorithm is equal in value, if not greater, to the targeting of high risk offenders using intensive supervision and evidenced based programs in two ways:

First, reducing recidivism among high risk offenders, those that do scare us, will not occur if our systems fail to divert lower risk kids from probation. Systems that allow unnecessary school referrals to the court only dilute the intensive supervision of the high risk offenders because it widens the net to capture more youth in the system, and thus increasing probation caseloads making it difficult to provide the intensive supervision required to reduce recidivism among higher risk offenders, and this compromises community safety.

For example, when I took the bench in 1999, a near majority of first appearance matters in our courtrooms, both preliminary hearings and arraignment, involved school-based cases. We did not have in place objective risk and needs assessment tools. The philosophy I inherited was simple: If you did the crime, you did the time! Consequently, probation caseloads were 150 on average, and most of these kids under supervision were low risk offenders of which many of them came from school-based referrals. If it were not for our school-justice partnership, our probation officers would not be providing the intensive supervision that is required to reduce the risk of re-offending among high risk juveniles with caseloads now at twenty on average.

It is a crime in and of itself to allow a system that dilutes the needed surveillance and treatment of scary kids because we are too busy chasing the ones who make us mad, and are less likely to assault, injure, or kill someone. By ignoring the scary kids for the sake of a pound of flesh from the kids who make us mad, we risk more victimization.

And if this isn't bad enough, the second reason diversion in the form of a school-justice partnership is an essential factor in this algorithm is that it eradicates the entire problem Sweeten found in his study to which students are twice as likely to drop out of school if arrested on campus. The paradox of zero tolerance and aggressive school policing is that zero tolerance is intended to improve school climate and safety, but in reality it increases juvenile crime, and eventually adult crime.

The research is adamant that treating low risk kids like they are high risk will morph them into scary kids. In a conversation between a reporter, Eric Sturgis, from the *Atlanta Journal Constitution* and Professor Sweeten, Sweeten pointed out that the problem was not in arresting the fewer kids who were high risk and committing crimes in the community, it was with the greater number of kids arrested on campus who are low risk because over-suspending and arresting them turns them into something much worse.

Most of these kids who make us mad eventually age out of their disruptive behaviors because that is the nature of the teenage brain. The frontal lobe, which translates emotion into logic, isn't fully developed until approximately age twenty-five (25). For example, a three year recidivist study of the 859 diverted in 2010 from court and into restorative justice programs showed that we never saw seventy percent (70%) of these kids again, and of the thirty percent (30%) that did return, most of those were for the same petty offenses.

From my perspective, sitting as a judge in juvenile court charged with the responsibility to protect all children within my county, I may have control to divert school based referrals to my court, thus preventing the four times likely to drop our scenario of the Sweeten study, but these kids were already affected with a fifty percent likelihood of not graduating merely by having been arrested on campus, and that was outside my control.

The key to a school-justice partnership is the collaborative effort to move diversion from the courts to the campus so fewer students are arrested, and not affected by the Sweeten Principle.

To illustrate the significant role of a school-justice partnership as a component of the diversion principle in this algorithm, take a look at my county and its changing socio-economic landscape. At the time we negotiated our school-justice partnership, the crime rate in Clayton County was at its highest. Kids were dropping like flies from gun battles, stabbings, and drive-by shootings. It was out of control. The more we arrested, the worse it seemed all around us. Our graduation rates had hit an all-time low of fifty-eight percent (58%). The juvenile crime rate spiked, and we had the highest crime index rate in all metro Atlanta.

We decided to do the counter-intuitive and stop arresting so many kids, and replace these arrests with positive responses in the form of restorative justice programs. We reduced our school-based referrals and arrests by ninety-one percent (91%), and the school resource officers were given direct access to all the restorative justice programs of the court, and without having to file a complaint.

The school police increased their presence on campus and replaced the incident driven, cleared by arrest approach with the “Officer Friendly” approach, and this included the use of a “Role Conflict Avoidance Decision Tree” that steers law enforcement away from school rule violations, and to using a problem oriented approach in all misdemeanor cases. Instead of directing Johnny to take off his hat, police today say, “Johnny, you forgot to take off your hat. I think the principal is around the corner.”

Our graduation rates have since increased by thirty percent (30%), and year before last we had the highest increase in graduation rates in all metro Atlanta.

By reforming our local system using this algorithm, but with serious emphasis on a school-justice partnership, it should be no surprise to anyone that the overall juvenile crime rate in our county has fallen seventy-one percent (71%), but what is most interesting is that earlier this year a local news affiliate, WSBTV Channel, reported that our county, who had the highest crime rate in all metro Atlanta, has the lowest crime rate according to the Georgia Crime Information Center who is the repository of crime occurrence and reports crime index rates.

And the school-justice partnership is being cited as a major influence in this positive trend.

Again, how goes kids, so goes adults.

Always keep in mind when developing a school-justice partnership these minimal requirements if you expect similar results. First, the partnership must be reduced to writing using a

memorandum of agreement, or some call it an inter-agency agreement, to provide the blueprint for guiding administrators and law enforcement at ground zero in the hallways and classrooms of the campus. Capturing the terms and conditions will enhance the partnerships sustainability over years that in turn will change the culture of discipline, if not juvenile justice.

Second, many jurisdictions possess a MOU, and will shrug their shoulders and flair their peacock feathers in pride boasting they have an MOU already, but their MOU fails to provide the terms with specificity, and this leaves law enforcement and administrators operationalizing a MOU with vague and overbroad language. A partnership must decide what delinquent acts that occur on campus are presumptively off the table for referral to the court, and will be handled using restorative justice and educational type programs. We call these “Focus Acts,” which are those delinquent acts the MOU will focus on for alternative responses to arrest. We use a “Focus Act Decision-Tree” to assist partnerships to navigate through the myriad of delinquent acts that occur on campus and decide which ones should be handled on campus, and not in the courtroom.

Third, the MOU should include a graduated response system, which points to alternatives in lieu of arrest to hold the student accountable. The emphasis is on the term “graduated” because a number of delinquent offenses such as disorderly conduct, disrupting public school, and school fights are manifestations of typical youthful neurological wiring, and they need more than “one bite at the apple.” Keep in mind that zero tolerance policies and incident-driven school policing make the mistake of criminalizing what would be unruly behavior if it occurred at home. The only difference is that it occurs in the school house where kids with under-developed frontal lobes are trying to manage a family of one thousand instead of five. I call this “masking” in

which we take what is really unruly behavior and call it something else simply because it occurred at school. We use a “Graduated Decision Tree” and a “Graduated Response Matrix” to assist partnerships to create a tiered response system using resources available in their community.

Fourth. The MOU must include quality control language, which identifies who will collect the data, who will enforce the terms of the MOU, and how often will the partnership meet to review the data and make amendments to the MOU. A recent study conducted by a professor at Virginia Tech showed that there were no differences in school discipline between schools with and without MOU’s because the schools with MOU’s were not enforcing the terms. In Clayton, the partnership allows for the intake division of the court to screen the complaints before filing, and if the complaint is contrary to the terms of the MOU, it is returned to the SRO with a cover memo explaining the deficiency and offering solutions.

Finally, the partnership should keep in mind that there does exist a group of students who will not be responsive to these traditional restorative justice programs because their needs are clinical in nature. I am referring to the students who have serious mental health disorders, including trauma. The nice thing about being the first community to create a school-justice partnership is the longevity in data collection and analysis. In 2010, six years after operationalizing our partnership MOU, we created an independent backbone agency called the Clayton County System of Care. It is a 501 (c) (3) responsible for receiving referrals from the school system of students with chronic disruptive behaviors, assessing their needs through a panel of experts

called the Clayton County Collaborative Child Study Team (Quad C-ST), and providing resources that target the underlying causes of disruptive behavior.

Our school-justice partnership adopted the epidemiology model to the handling of disruptive behaviors. The purpose of epidemiology, or the study of diseases, is to provide a basis for developing surveillance measures and prevention procedures for groups and at-risk populations, and to identify causation and then strategies that impact both groups and populations, thereby also allowing individual treatments to be effective. This approach represents a shift from targeted reactions to population-based prevention and intervention.

For example, the initial response to the cholera epidemic in the poor section of London in the late 19th century was to treat the afflicted with medicine, but they continued to drop like flies until a physician did a survey and discovered one thing in common in all the victims—they drank from the same water pump. So the good doctor simply removed the pump, and the cholera stopped.

There are two basic and fundamental principles of epidemiology:

- 1) Diseases do not occur by chance: there are always determinants for the disease to occur.
- 2) Diseases are not distributed at random: distribution is related to risks factors that need to be studied for the population in order to identify solutions.

Now, replace the word “Diseases” with the phrase “Disruptive Behaviors”:

- 1) Disruptive behaviors do not occur by chance: there are always determinants for the disruptive behavior to occur.
- 2) Disruptive behaviors are not distributed at random: distribution is related to risks factors that need to be studied and for the population in order to identify solutions.

The number one reason for referring a student to the System of Care is trauma, mostly associated to living in poverty and all the problems associated thereto such as domestic violence, neighborhood violence, hunger, shelter, etc. In fact, eighty-seven percent (87%) of all kids referred to the System of Care suffer from serious trauma.

Understand this very basic fact: Traumatized people traumatize people!

Their disruptive behavior is merely a symptom, and we, like physicians, should be looking for the cause and treating it. Otherwise, our continued use of suspensions, expulsions, and arrests is analogous to using aspirin to cure cancer, or a hammer to kill a fly—you will never kill it, but will likely injure others in the process.

An anecdotal story to support this evidence-based fact involves a fifteen (15) year old student in my county. The SRO was called to a classroom where the student, we will call Jane, was throwing chairs at the teacher, who we will call Ms. Jones, and threatening to do her violent harm, including kill her. It was a very serious situation that required her to be retrained in handcuffs and removed from the classroom. This event occurred after we formed our partnership, which is an essential element to this story because prior to the partnership, Jane

would have been placed in a patrol car, taken to juvenile intake, charged with a serious felony of aggravated assault, among other offenses, and placed in lock-up to appear the next day before the judge. Instead, under our partnership MOU, Jane was first taken to the SRO's office for questioning. Using the epidemiology approach, the SRO asked her why she doesn't like Ms. Jones to which Jane replied, "I do like Ms. Jones."

Confused by this response, the SRO asked why she would throw chairs at Ms. Jones and call her horrible things if she liked her. Jane explained that she got upset because Johnny, another student sitting next to Jane, leaned over and told her that he wanted to have sex with her, but not in such academic terms. Jane became upset and told Johnny off and Ms. Jones admonished Jane for her disruption of the class. Jane became more upset and turned on Ms. Jones.

The SRO, using his crisis intervention skills, remained confused and pointed out to Jane that Ms. Jones didn't hear what Johnny said, and so asked, "What did Ms. Jones do to you that made you mad?" Jane shrugged her shoulders and said, "Nothing."

Still confused, the SRO explained to Jane that her response didn't quite make sense to him and asked her, Jane, is everything all right at home?" Jane again shrugged her shoulders, which gave the SRO a hint that something was not right at home. The SRO continued to gently press the matter and Jane eventually placed her face in her cupped hands and began to sob.

Jane would inform the SRO that her mother's live-in boyfriend is raping her every week. Jane told her mother, but the mother didn't believe her. Jane was not charged, but instead was placed

in protective custody and eventually placed with her maternal grandparents who we learned upon investigation by social services that they were trying to get their daughter to kick this boyfriend out of the house.

The boyfriend was arrested and is now serving a twenty-five (25) year sentence in the state penitentiary.

And so I ask: Who is really tough on crime? The zero tolerance system that punishes the symptom, or the school-justice partnership that treats the cause of the symptom?

Many students come to school each day and bring baggage with them residing in their head and impeding their learning. How can Jane learn in class when she is going home later that day to be raped? Or the kid who isn't sure if there will be dinner on the table, or if mommy is going to scream out with each strike from daddy or the boyfriend, or come home to see mommy strung out on meth, cocaine, or heroin?

Never forget that a child's language is often their behavior.

A school-justice partnership helps us to listen to their behavior, and not punish it. Our kids are talking, we adults are too caught up in a zero tolerance system that keeps us from listening.

I leave you with the words of Dr. Martin Luther King who once said that he admired the Great Samaritan for what he did to help people along the Road to Jericho who were beaten and robbed,

but Dr. King said he didn't want to be the Great Samaritan. Dr. King said he wants to be the person who fixes the Road to Jericho so no one is beaten and robbed again.

The school-justice partnership model is a pathway to fix your Road to Jericho so kids will no longer get beaten up by a system that doesn't hear them.